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ABSTRACT

The GATS is a multilateral, legally enforceable agreement among members of the World Trade Organization (WTO) that regulates international trade services. Rules regulating internationally traded educational services, which include various types of exchange programs, are part of the agreement. Among the 42 member countries that have made commitments in educational services, 25 have included commitments for at least four of the five education subsectors: primary, secondary, higher, adult, and other education. This background document presents a brief overview of the obligations and rules of GATS as regards educational services, and describes each WTO member country's commitments in educational services. The document contains the following: explanations and applications of GATS elements and rules pertaining to educational services; 12 charts that display and describe WTO member countries' commitments by the various education subsectors and designated modes of supply (cross-border supply, consumption abroad, commercial presence, and presence of natural persons); a bibliography containing 10 references; a country-by-country summary of commitments to the education subsectors; and a country-by-country schedule of commitments in educational services for each subsector and each mode. (WFA)

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BACKGROUND DOCUMENT

Current Commitments under the GATS in Educational Services

Prepared for the OECD/US Forum on Trade in Educational Services

Washington, DC, U.S.A.

23 – 24 May 2002

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Summary

1. Education remains one of the sectors, together with the energy sector, where WTO Members have been least inclined to schedule liberalisation commitments. To date, 42 WTO Members (counting as one the 1994 schedule of the then 12 EU members states) have made commitments for at least one education sub-sector. Twenty-five out of 30 OECD countries have made at least one commitment for an education sub-sector (the five countries that have not made commitments in educational services are Canada, Finland, Iceland, Korea and Sweden), but a significant number of developing countries have not made commitments within education. Among the non-OECD countries, China, Chinese Taipei and Thailand are the only countries that have made commitments among the main "importers" of educational services who send students abroad most frequently. On the other hand, there are a few low-income countries that have made a high level of commitment in order to attract foreign educational investments.

2. Among the 42 countries that have made commitments in educational services, 25 have included commitments for at least 4 of the 5 sub-sectors (primary, secondary, higher, adult and other education). In general, the countries that have made their commitments after the Uruguay Round have wider sectoral coverage than the countries that made commitments before the Uruguay Round. This can partly be explained by the fact that countries joining the WTO after the Uruguay Round have been under greater negotiating pressure to make commitments.

3. In general, WTO Member countries have put more limitations on trade in primary and secondary education (considered as "basic" schooling in many OECD countries) than on higher and adult education. "Adult education" is the sub-sector in which countries have made most "full commitments" in mode 1 (cross-border supply), mode 2 (consumption abroad) and mode 3 (commercial presence). In addition, high-income countries are more likely to restrict their commitments to privately funded education especially in primary, secondary and higher education, when compared to low-income countries.

4. WTO Member countries have chosen to impose considerably more limitations on trade in educational services in mode 3 and mode 4 (presence of natural persons) than in modes 1 and 2. Mode 2 is the most committed mode among all four modes. All countries who have made a commitment in educational services have made commitments in mode 2. In addition, mode 2 has a very high share of full commitments in all sub-sectors. Countries are less likely to see the necessity to regulate this mode. Mode 4 is the most restricted among the four modes. Most of the countries have made no sector-specific commitment in mode 4 but have made some commitments in their horizontal commitments. In general, there are more limitations on market access compared to national treatment.

Current Commitments under the GATS in Educational Services

5. The purpose of this paper is to give a short overview of the obligations and rules of GATS, and to give a description of the country commitments in educational services that have been made so far by countries by examining the national schedules in GATS. The description will be given by education sub-sectors and by trade modes.

Obligations under GATS

6. The GATS is a multilateral, legally enforceable agreement regulating international trade in services. One of the most significant achievements of the Uruguay Round, the GATS offers for services

trade the same stability that arises from mutually agreed rules and binding market access and non-discriminatory commitments that the GATT has provided for goods trade for more than five decades. The GATS forms part of the Uruguay Round single undertaking "package" of multilateral agreements, so all WTO members are bound by GATS rules. The GATS sets out a work programme which is normally referred to as the "built in" agenda. According to Article XIX, WTO Members "shall enter into successive rounds of negotiations" to achieve "a progressively higher level of liberalisation." The coverage of the GATS is very wide: all service sectors are covered with the exception of "services supplied in the exercise of governmental authority" and "air traffic rights".

7. Obligations contained in the GATS can be categorised into 1) general obligations and 2) sector specific obligations. General obligations include most-favoured-nation treatment (MFN) and transparency, and apply directly and automatically to all WTO Members and services sectors. In addition, all WTO Members are subject to the dispute settlement system. On the other hand, sector specific obligations that concern market access and national treatment apply to sectors specified by Members.

8. Given that national policy objectives often involve specific service sectors, the GATS was designed to allow countries to tailor their commitments to suit those objectives. Members have freedom in negotiation to specify and limit the extent to which they will guarantee access to their market. It is only by reference to the individual country schedules that one can know the degree to and manner in which service sectors have actually been opened. Terms and conditions for the application of the obligations are specified in the schedule of each country. For example, countries can leave entire sectors out of their GATS commitments, or they may choose to grant market access in specific sectors, subject to the limitations they wish to maintain. Market access and national treatment obligations apply only to the sectors in which a country chooses to make commitments. However, this does not influence the application of general obligations.

General obligations

9. Most-favoured-nation treatment is stated in Article II of the GATS. "With respect to any measure covered by this Agreement, each Member shall accord immediately and unconditionally to services and service suppliers of any other Member treatment no less favourable than that it accords to like services and service supplier of any other country." However, the most-favoured-nation treatment can be waived if the exemptions are listed in the Annex on Article II Exemptions. WTO Members were allowed to seek such exemptions before the Agreement entered into force. New Members can seek such exemptions only at the time of accession. All exemptions, in principle, "should not exceed a period of 10 years" and are subject to periodic review by the Council for Trade in Services or re-negotiation every five years.

10. The GATS requires members to publish promptly "all relevant measures of general application which pertain to or affect the operation" of the GATS (Article III) in order to increase transparency of the relevant domestic regulations.

11. WTO Members may request the Council for Trade in Services or the Dispute Settlement Body (DSB) to consult with any Member or Members with respect to any matter affecting the operation of GATS. When there is a disagreement between Members as to whether a measure falls within the scope of such an agreement between them, either Member can bring this matter before the Council for Trade in Services. The Council shall refer the matter to arbitration and the decision of the arbitrator shall be final and binding on the Members (Article XXII). In addition, "if any Member should consider that any other Member fails to carry out its obligation or specific commitments" under GATS, it may have recourse to the Dispute Settlement Understanding. If the DSB considers the circumstances serious enough, it may authorise a Member or Members to suspend the application to any other Member or Members of obligations and specific commitments (Article XXIII). The decisions by the DSB may include the modification or withdrawal of the measure.

Sector specific obligations

12. Obligation on market access is stated in Article XVI of the GATS that "each Member shall accord services and service suppliers of any other Member treatment no less favourable than that provided under the terms, limitations and conditions agreed and specified in its Schedule." The article also describes six forms of measures that restrict free market access that Members should not maintain or adopt unless specified in the schedule. These measures include four types of quantitative restrictions, as well as limitations on forms of legal entity and on foreign equity participation. They are:

- Limitations on the number of service suppliers;
- Limitations on the total value of service transactions or assets;
- Limitations on the total number of service operations or the total quantity of service output;
- Limitations on the number of persons that may be employed in a particular sector or by a particular supplier;
- Measures which restrict or require specific types of legal entity or joint venture; and
- Limitations on the participation of foreign capital, or limitations on the total value of individual or aggregate foreign investment.

13. These market access limitations must be scheduled whether or not they contain any element of discrimination against foreign services and service suppliers.

14. Obligation on national treatment is stated in Article XVII of the GATS that "In the sectors inscribed in its Schedule, and subject to any conditions and qualifications set out therein, each Member shall accord to services and service suppliers of any other Member, in respect of all measures affecting the supply of services, treatment no less favourable than that it accords to its own like services and service suppliers." The national treatment standard does not require formally identical treatment of domestic and foreign providers. If the treatment results in less favourable treatment of foreign providers, it should be specified in the schedule. Unlike market access, there is no exhaustive list of the types of measures that constitute limitation on national treatment.

15. When a WTO Member wishes to maintain measures which are inconsistent with both market access and national treatment, such measures shall be inscribed in the column related to market access, and "in this case the inscription will be considered to provide a condition or qualification to Article XVII (national treatment) as well." (Article XX-2) Therefore, it should be noted that while there may be no limitation entered in the national treatment column, there may exist a discriminatory measure inconsistent with national treatment in the market access column.

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GATS obligations and rules

GATS element or rule	Explanation	Application
Scope and Coverage	All internationally traded services are covered in the 12 different service sectors. (e.g. education, transportation, financial, tourism, health, construction)	Applies to all services—with two exceptions: i) services provided in the exercise of governmental authority; ii) air traffic rights
Measures	All laws, regulations and practices at the national or sub-national levels affecting trade in services	Measures taken by central, regional or local governments and authorities and non-governmental bodies in the exercise of powers delegated by central, regional and local governments and authorities
General obligations	Three general obligations exist in GATS - most favoured nation treatment (MFN) - transparency - dispute settlement	They apply to all service sectors regardless of whether WTO members schedule commitments or not
Most favoured nation (MFN) treatment	Requires equal and consistent treatment of all foreign trading partners MFN means treating one's trading partners equally. Under GATS, if a country allows foreign competition in a sector, equal opportunities in that sector should be given to service providers from all WTO members.	One-time exemptions are permissible for original WTO signatories and newly acceding countries, but they should not *in principle* exceed a period of 10 years. In any event, they shall be subject to negotiation in subsequent trade liberalisation rounds
Sector-specific obligations	There are a number of sector-specific obligations attached to national schedules, among which - market access - national treatment	Only applies to commitments listed in national schedules Degree and extent of obligation is determined by country; countries retain the right to maintain non-conforming measures in scheduled sectors and modes of supply.
National Treatment	Aims for equal treatment for foreign and domestic providers (or equal competitive opportunities where identical treatment is not possible) Once a foreign supplier has been allowed to supply a service in one's country there should be no discrimination in treatment between the foreign and domestic providers	Only applies where a country has made a positive specific commitment Non-conforming measures can be retained negatively in scheduled sectors/modes of supply
Market access	Primary focus on non-discriminatory quantitative restrictions impeding access to markets	Each country determines limitations on market access for each committed sector and mode of supply, as per national treatment
Progressive liberalisation	GATS has a built-in agenda which means that negotiations can be re-examined periodically with a view to achieving a progressively higher level of bound liberalisation; special flexibility is envisaged for developing countries in this regard.	Each country determines the pace, extent and nature of market opening under GATS and retains the right to schedule no commitments in any sector/mode of supply.

National Schedules of Commitments

16. Most schedules consist of sectoral and horizontal sections. The entries in the "horizontal" section apply across all sectors listed in the schedule. The "sector-specific" sections apply only to the particular service. Therefore, when analysing national schedules of commitment, it is necessary to take into account the horizontal commitments as well in order to understand the full range of commitments taken. In addition, it is necessary to take into account the list of MFN exemptions. Among the 42 countries who have made commitments in educational services, 16 countries have a list of MFN exemptions[1]. However, so far there is no schedule that has an exemption of MFN specific to educational services. Many of the MFN exemptions provide preferential treatment on movement of natural persons supplying services and investment on the basis of bilateral agreements.

17. The attached table lists national schedules of commitments in educational services. In the table, "none" indicates that there is no restriction placed on foreign providers. However, it should be noted that "none" only means that there is no restriction specific to that sector, but there may be relevant limitations in the "horizontal" section. In addition, when the term "none" is inscribed in the national treatment column, it is necessary to assess the limitations in the market access column, since there could be some restrictions that apply to national treatment as well, according to Article XX-2. "Unbound" indicates that a Member wishes to remain free in the specified sector and mode of supply to introduce or maintain measures inconsistent with market access or national treatment. When it is not specified "unbound", all commitments in a schedule are bound.

18. In the following, "full commitment" means there is no restriction in the sector that has been committed. "Partial commitment" means that a country has made a commitment in a given mode with some restriction. "No commitment" means that the country is "unbound" in a given mode. These categories do not take into account the horizontal commitments.

19. In scheduling GATS commitments for educational services, most Members have used the United Nations Provisional Central Product Classification (UN CPC) categories as sub-sectors:

- Primary (pre-school and other primary education services);
- Secondary (include general secondary, higher secondary, technical and vocational secondary, and technical and vocational secondary for handicapped students);
- Higher (post-secondary technical and vocational and other higher education services);
- Adult (education services for adults who are not in the regular school and university system, and includes education services through radio or television broadcasting or by correspondence); and others.

20. Some commitments have used the sub-categories of the UN CPC to limit their commitments to certain educational services within the subsection. In addition, some Members have introduced additional distinctions such as private/public education, compulsory/non-compulsory education, international/national school education, and education granting/non-granting state recognised exams/degrees.

21. In addition, the commitments have been made according to the four modes of supply: Cross border supply (mode 1), Consumption abroad (mode 2), Commercial presence (mode 3) and Presence of natural persons (mode 4).

[1] These countries are Austria, New Zealand, Norway, Switzerland, Turkey, USA, EU, China, Chinese Taipei, Estonia, Jamaica, Jordan, Liechtenstein, Panama, Sierra Leone, and Trinidad and Tobago.

Modes of Supply

Mode of supply	Explanation	Examples
Cross Border supply (mode 1)	The provision of a service where the service crosses the border (does not require the physical movement of the consumer)	-Distance education -Virtual education institutions -Education software -Corporate training through ICT delivery
Consumption Abroad (mode 2)	Provision of the service involving the movement of the consumer to the country of the supplier	-Students who go to another country to study
Commercial Presence (mode 3)	The service provider establishes or has presence of commercial facilities in another country in order to render service	-Local university or satellite campuses -Language training companies -Private training companies e.g. Microsoft, CISCO, etc.
Presence of Natural Persons (mode 4)	Persons travelling to another country on a temporary basis to provide service	- professors, teachers, researchers working abroad

22. Education remains one of the sectors along with the energy sector, where WTO Members have been least inclined to schedule liberalisation commitments. Most of the OECD countries (25 out of 30) have made commitments in educational services, but a significant number of developing countries have not made commitments within education. Among the non-OECD countries, China, Chinese Taipei and Thailand are the only countries that have made commitments among the main "importers" of educational services who send students abroad most frequently. On the other hand, there are some low-income countries such as the Kyrgyz Republic, Lesotho, Moldova and Sierra Leone that have made a high level of commitment most likely in order to attract foreign educational investments.

23. To date, 42 WTO Members (counting as one the 1994 schedule of the then 12 EC members states) have made commitments for at least one education sub-sector. Among them, 25 Members have included commitments for at least four of the five education sectors[2].

24. In the Uruguay Round, wide-sectoral coverage was more prevalent in the schedules of high income and middle income countries compared to those of low income countries[3]. However, recently there is a more wide-ranging sectoral coverage among low income countries. For example, only three out of eight low-income countries that have made their commitments before 1995 had included more than four sub-sectors in their commitments. Whereas low-income countries that have made their commitments after 1995 such as Georgia, the Kyrgyz Republic and Moldova, have all made commitments in more than four sub-sectors. This can perhaps be explained by the fact that countries joining the WTO after the Uruguay Round may have been under greater negotiating pressure to make commitments. In addition, factors such as a greater interest in using GATS to achieve trade in education services, greater appreciation of benefits of education, and the growth of new means of supplying educational services may have had an effect. Among the countries that have made commitments in the Uruguay Round, only 13 out of 27 country commitments had included more than four sub-sectors. In contrast, concerning commitments made after the Uruguay Round, 12 out of 15 country commitments have included more than four sub-sectors. The

[2] These members are: Czech Republic, Hungary, Japan, Mexico, Norway, Poland, Slovak Republic, Switzerland, Turkey, European Union, Albania, China, Chinese Taipei, Croatia, Estonia, Georgia, Jordan, the Kyrgyz Republic, Latvia, Lesotho, Liechtenstein, Lithuania, Moldova, Oman, Sierra Leone.

[3] Source: 2001 World Development Indicators database, World Bank.

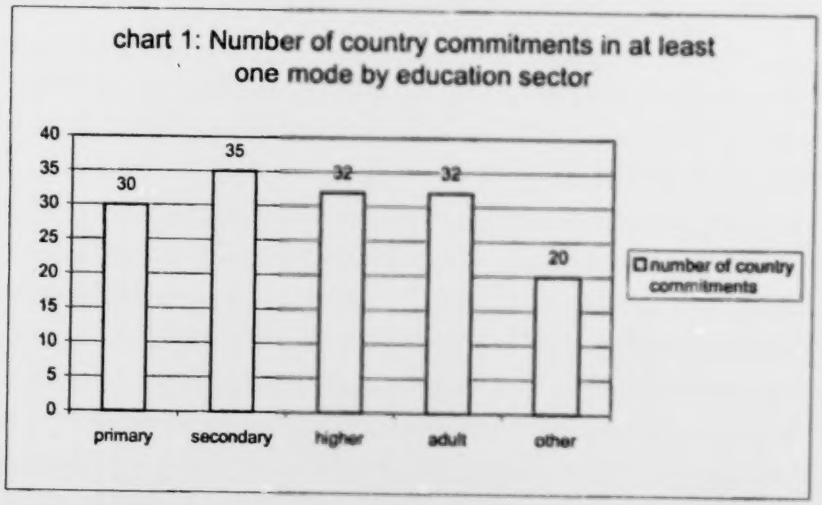
accession terms for new members to the WTO are agreed in detail between the applicant country and current WTO Members, while few of the Uruguay Round schedules were subjected to detailed examination, still less negotiation, by trading partners.

25. Among OECD countries, only Canada, Finland, Iceland, Korea and Sweden have made no commitments in educational services, and 10 out of 14 schedules of OECD countries contained commitments for at least four of the five education sectors (counting as one the 1994 schedule of the then 12 EU member states.).

26. In general, there are more limitations on market access compared to national treatment. However, this may be due to article XX-2 that states that when a WTO Member wishes to maintain measures which are inconsistent with both market access and national treatment, it should be written under market access and it will be applied to both.

Sectoral Commitments

27. The number of schedules containing commitments on the different education sectors is relatively constant: 30 on primary education, 35 on secondary education, 32 on higher education and 32 on adult education. The least frequently committed sector is "Other education", for which commitments were made by only 20 member countries. This might be linked to the fact that there is no specific definition of this category in the UN CPC.



28. In general, WTO Member countries have put more limitations on trade in primary and secondary education (considered as "basic" schooling in many OECD countries) than on higher and adult education. In addition, high-income countries are more likely to restrict their commitments to privately funded education especially in primary, secondary and higher education.

29. For market access, adult education is fully committed in modes 1, 2 and 3 most frequently among the five sub-sectors. More than half of the commitments in adult education have no limitations on market access on modes 1, 2 and 3. In higher education, almost half of the commitments have no limitations on market access for these modes. The equivalent in primary and secondary is around one-third of the commitments.

30. For national treatment, the tendency is the same. Adult education is the most frequently fully-committed sub-section followed by higher education. However, the proportion of full commitments among the commitments made in a given sub-sector is higher than those of market access for all five sub-sectors. For adult education, close to 80 percent of the countries that have made a commitment in adult education

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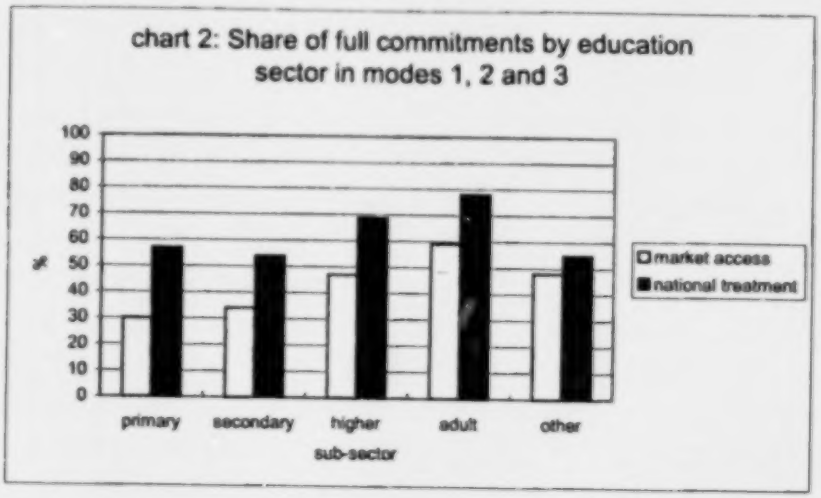
have made a full commitment. The equivalent for higher education is close to 70 percent, and for primary, secondary and other education, it is about 55 percent.



(1) Primary Education Services

31. Among the 42 countries that have made a commitment in educational services, 30 countries have made commitments in primary education services. Among these countries, 12 countries have made commitments on a basis of classification different from the UN CPC. Most of these countries restrict their commitment to privately funded educational services[4]. China excludes special education services (e.g. military, police, political and party school education) and national compulsory education. Japan limits its commitment to educational services supplied by formal educational institutions[5]. Norway has introduced the distinction between educational services leading to the conferring of State recognised exams or degrees and those that do not. Finally, Thailand introduces the notion of national/international school education.

32. There are nine countries that have made full commitments for modes 1, 2 and 3 in market access[6]. Among them, two of them are high income countries and four of them are low income countries. However, New Zealand has limited their commitment to privately funded education, whereas there are no limitations on the scope of the commitment by low income countries.

33. For national treatment, there are 17 countries that have made full commitments for modes 1, 2 and 3[7]. Among them, four are high income countries and four are low income countries. Most of the countries that have made full commitments in market access for all three modes have made full commitments in national treatment as well, especially all four low income countries have full commitments in both market access and national treatment. The only exception is Lithuania. Lithuania requires permit for the "State recognised teaching institutions" in the national treatment column.

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[4] These countries are Czech Republic, Mexico, New Zealand, Poland, Switzerland, EU, Bulgaria, Liechtenstein

[5] Formal educational institutions are elementary schools, lower secondary schools, upper secondary schools, universities, technical colleges, schools for the blind, schools for the deaf, schools for the handicapped and kindergartens.

[6] These countries are Austria, New Zealand, Estonia, Gambia, Georgia, Latvia, Lesotho, Lithuania, and Moldova.

[7] These countries are Austria, New Zealand, Hungary, Mexico, Norway, Poland, Turkey, Albania, Bulgaria, Estonia, Gambia, Georgia, Jamaica, Latvia, Lesotho, Liechtenstein, and Moldova.

34. Among the nine countries that have made full commitments in modes 1, 2 and 3 only in national treatment, seven countries have made commitments using a different classification from the UN CPC. Most of them limit the application of their commitments to privately funded education. Albania, Bulgaria, are "unbound" on mode 1, Liechtenstein is "unbound" on modes 1 and 2 for market access. This means that for the given modes, these countries will maintain all non-discriminatory restrictions, but will not have discriminatory treatment for foreign providers.

35. Other countries (including Liechtenstein for mode 3) have made partial commitments on market access. Five out of seven of these countries are OECD countries. The limitations that these countries have inscribed on market access include licenses or authorisation requirements for the establishment of schools, limitations on foreign investment, restrictions on financial assistance (to studies at certified establishments or excluding services supplied from abroad), restricting the supply of the service only to foreign students in the country and that foreigners may establish commercial persons only when organised as juridical person.

36. There are 12 OECD countries that have made commitments in primary education. Among them, only two countries have made full commitments for mode 1, 2 and 3 on market access and national treatment. Five countries have made full commitments for modes 1, 2 and 3 on national treatment. Among the 12 commitments, eight use classifications different from the UN CPC.

chart 3: Market access commitments in primary education by mode

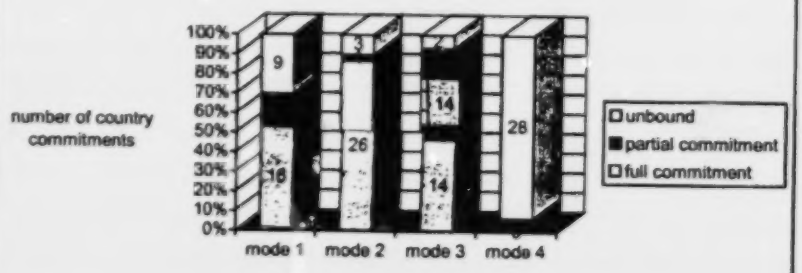
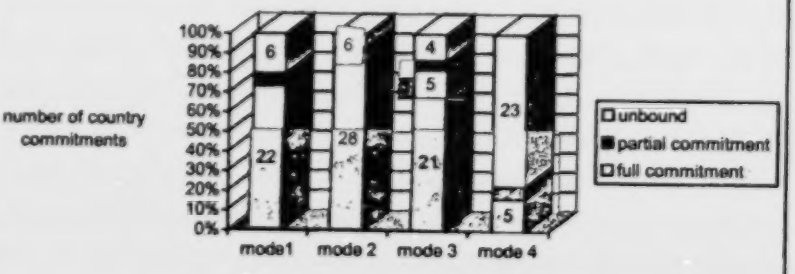


chart 4: National treatment commitment in primary education by mode



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(2) Secondary Education

37. There are 35 country commitments in secondary education. Among them, 16 countries have made commitments using a different classification from the UN CPC. Like the commitments in primary education, most of the additional distinctions restrict their commitment to privately funded educational services. China excludes special education services, and national compulsory education. Japan, Norway and Thailand have the same distinction as mentioned for primary education respectively. Chinese Taipei excludes general secondary education from their commitment and mentions "student placement services for overseas studies".

38. Twelve out of 35 country commitments have made full commitments for modes 1, 2 and 3 in market access[8]. Among them, four are high income countries, and four are low income countries. New Zealand and Slovenia have limited their commitment to privately funded educational services, whereas none of the low income countries have such limitations.

39. Nineteen out of 35 country commitments have made full commitments for modes 1, 2 and 3 under national treatment[9]. Among them, there are five high income countries and four low income countries. Most of the countries that have made full commitments in market access have made full commitments in national treatment as well. Again, all four low income countries have made full commitments in both market access and national treatment. The exceptions are Australia, Lithuania and Slovenia. Australia is "unbound" for national treatment, meaning that there are no restrictions on market access that covers one of the six types of measures listed in Article XVI, however, they could choose to have some discriminatory conditions for foreign providers. Lithuania requires permit for the "State recognised teaching institutions" as it does in primary education and Slovenia has a nationality requirement for majority of the Board members.

40. Among the countries that have made full commitments in modes 1, 2 and 3 only in national treatment, Albania (mode 1) and Liechtenstein (modes 1 and 2) are "unbound" for general higher secondary education and fully committed for higher secondary education, and Bulgaria is "unbound" on mode 1 in market access. Like primary education, other countries (including Liechtenstein for mode 3) have made partial commitments on market access. These countries and their restrictions on market access are identical to those of primary education except for Chinese Taipei that has a nationality requirement for principal/president and chairman of the board and restriction on the number of foreign directors. Most of these countries have made commitments using a different classification from the UN CPC, limiting the scope of their commitment to privately funded education.

41. Thirteen OECD countries have made commitments in secondary education. Two countries have made full commitments in all three modes for both market access and national treatment. Australia is fully committed in all three modes only for market access. Five countries have made full commitments for modes 1, 2 and 3 on national treatment. Among the 13 countries scheduling commitments, eight have done so on a basis other than the classification of the UN CPC.

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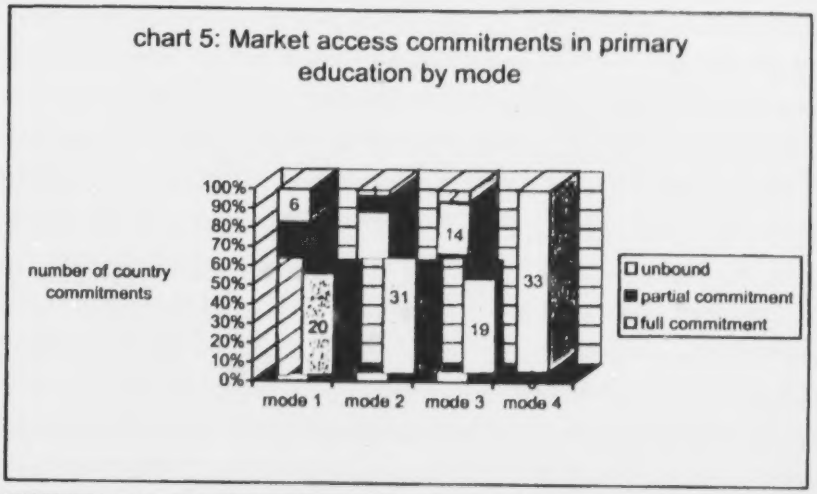
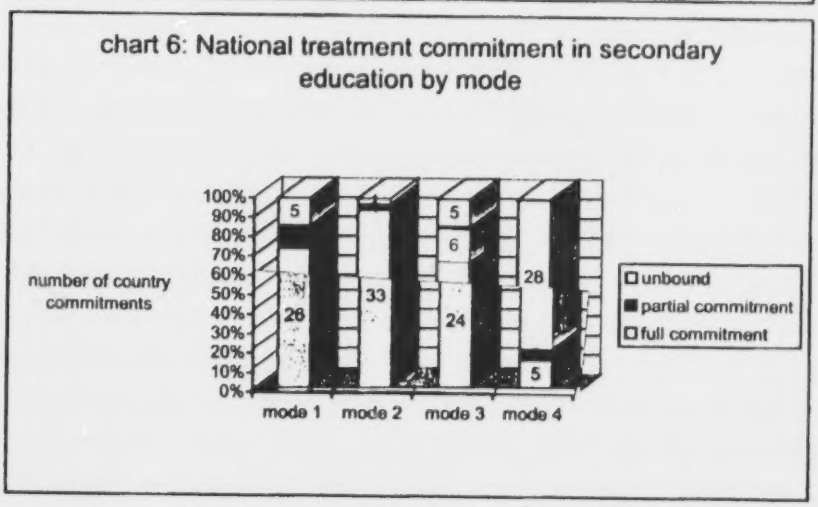
[8] These countries are Australia, Austria, New Zealand, Estonia, Georgia, Ghana, Latvia, Lesotho, Lithuania, Moldova, Oman, and Slovenia.

[9] These countries are Austria, Hungary, Mexico, New Zealand, Norway, Poland, Turkey, Albania, Bulgaria, Chinese Taipei, Estonia, Georgia, Ghana, Jamaica, Latvia, Lesotho, Liechtenstein, Moldova, and Oman.





(3) Higher Education

42. There are 32 country commitments in higher education. Among them, 15 countries have made commitments using a different classification from the UN CPC. Among those 15 countries, 10 countries use a classification that limits the commitment to privately funded higher education. Japan limits its commitment to formal educational institutions established in Japan. Norway distinguishes educational services leading to the conferring of State recognised exams and/or degrees and the others. China excludes special education services. Chinese Taipei mentions "student placement services for overseas studies". Finally, Trinidad and Tobago have made their commitment in higher education for lecturers in higher education other than post-secondary technical and vocational education services.

43. Fifteen out of 32 country commitments have made full commitments for modes 1, 2 and 3[10] in market access. Among them, five are from low income countries[11] and four are from high income

[10] These countries are Australia, New Zealand, Switzerland, Albania, Congo RP, Croatia, Estonia, Georgia, Jamaica, Jordan, The Kyrgyz Republic, Latvia, Lesotho, Lithuania, Moldova, Oman, and Slovenia.

[11] These countries are Congo RP, Georgia, The Kyrgyz Republic, Lesotho, and Moldova.

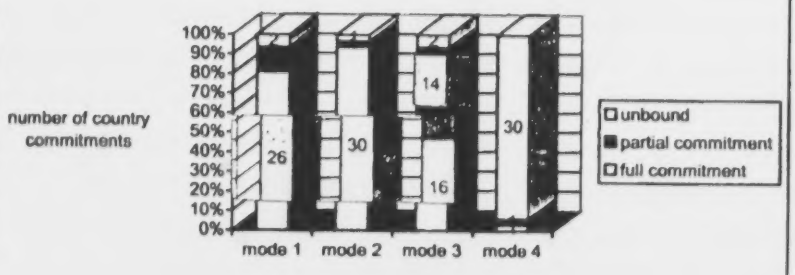
countries[12]. Three out of five high income countries limits their commitments to privately funded, whereas none of the low income countries have such restrictions.

44. Twenty-two out of 32 country commitments have made full commitment for modes 1, 2 and 3 in national treatment[13]. Among these 22 countries, five are high income countries and four are low income countries. Like secondary education, most of the countries that have made full commitments in all three modes in market access have made full commitments in national treatment as well. The exceptions are Australia, The Kyrgyz Republic, and Slovenia. Australia is "unbound" for national treatment, the Kyrgyz Republic has restrictions on "secondary education services funded from State sources", and Slovenia has nationality requirements for majority of the Board.

45. Among the eight countries that have made partial commitments on market access but have full commitments on national treatment, five are OECD countries. Five out of seven countries have made commitments using a different classification from the UN CPC, mostly limiting their commitments to privately funded education. Although the countries are slightly different from those for primary and secondary education, limitations that these countries have inscribed on market access are the same as those for secondary education.

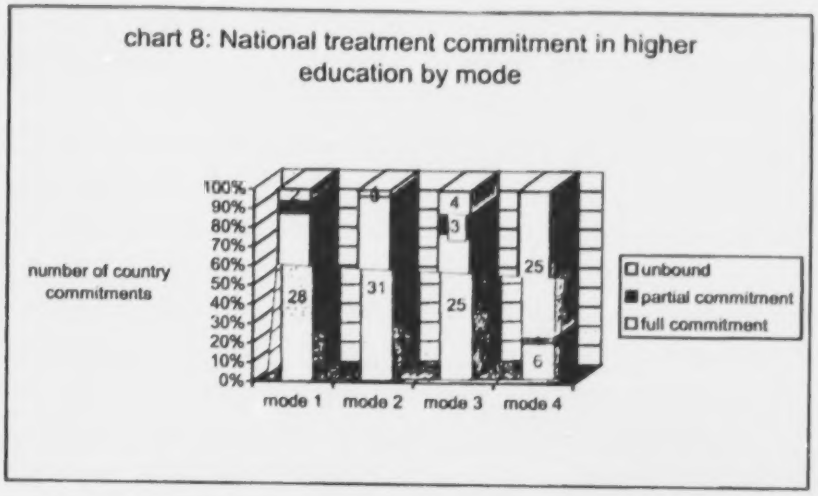
46. Twelve OECD countries have made commitments in higher education. Two have made full commitments on modes 1, 2 and 3 in both market access and national treatment. Australia has fully committed all three modes only for market access. Five countries have made full commitments for modes 1, 2 and 3 on national treatment. Among the 12 countries making commitments, nine use different classifications from the UN CPC.

chart 7: Market access commitment in higher education by mode



[12] These countries are Australia, New Zealand, Switzerland, and Slovenia.

[13] These countries are Hungary, Mexico, New Zealand, Norway, Poland, Switzerland, Turkey, Albania, Chinese Taipei, Congo RP, Croatia, Estonia, Georgia, Jamaica, Jordan, Latvia, Lesotho, Liechtenstein, Lithuania, Moldova, Oman, and Panama.



(4) Adult Education

47. There are 32 country commitments in adult education. Among them, 14 commitments are made on a basis other than the classification of the UN CPC. There are less commitments that distinguish between public and private in adult education. Among the 14 commitments with different classifications, six commitments limit the application of the commitment to privately funded adult education[14]. Austria excludes adult education by means of radio or television broadcasting. Japan restricts the application to foreign language tuition services for adults except for those supplied by formal education institutions established in Japan. Norway distinguishes between educational services leading to the conferring of State recognised exams and/or degrees and others. The US excludes flight instruction, China excludes special education (e.g. military, police, political and party school education), Haiti restricts its commitments to rural training centres for adults, Mali to the craft sector, and Thailand applies its commitments to professional and/or short course education services.

48. There are 19 country commitments that are fully committed in modes 1, 2, and 3 in market access[15]. Among them, seven are from low income countries, and five are from high income countries.

49. Twenty-five out of 32 country commitments have made full commitment for modes 1, 2 and 3 in national treatment[16]. Among those countries that have made full commitment on national treatment, seven are high income countries and seven are low income countries. In adult education, all countries that have made full commitment for all three modes in market access have made full commitment for these modes in national treatment as well.

50. There are six countries that have made full commitment only in national treatment. Among these six countries, there are no low income countries. Half of these countries are OECD countries. The limitations inscribed for market access in these country commitments include license or authorisation requirements for the establishment of schools, restrictions on financial assistance (to studies at certified establishments or excluding services supplied from abroad), foreigners may establish commercial persons

[14] These countries are Czech Republic, Poland, Switzerland, EC, Bulgaria and Liechtenstein.

[15] These countries are Austria, Japan, Switzerland, EC, Albania, Bulgaria, Croatia, Estonia, Gambia, Georgia, Haiti, Latvia, Lesotho, Lithuania, Mali, Moldova, Oman, Rwanda, and Slovenia.

[16] These countries are Austria, Hungary, Japan, Norway, Poland, Switzerland, EC, Albania, Bulgaria, Chinese Taipei, Croatia, Estonia, Gambia, Georgia, Haiti, Jordan, Latvia, Lesotho, Liechtenstein, Lithuania, Mali, Moldova, Oman, Rwanda, and Slovenia.

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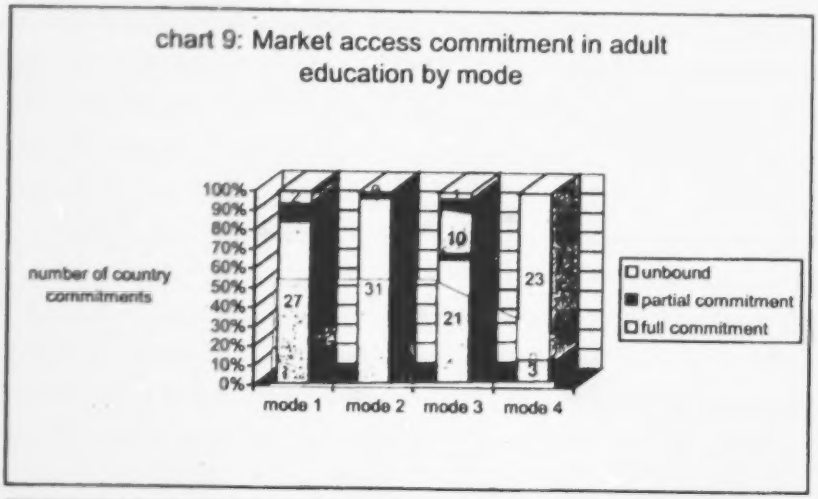
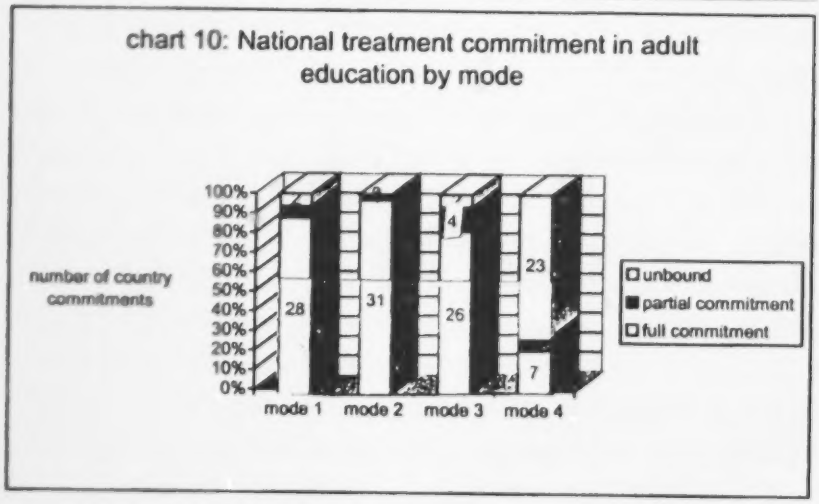
only when organised as juridical persons, nationality requirements (for principal, Chair of the Board, director), restrictions on the number of foreign directors.

51. There are 10 commitments by OECD countries. Among them, four have made full commitments in modes 1, 2 and 3 in both market access and national treatment. Three countries have made full commitments in all three modes only in regard to national treatment. Among the 10 commitments made by the OECD countries in adult education, eight are made on a basis other than the classification of the UN CPC.





(5) Other Education

52. There are 20 countries that have made commitments in "other education". In two country commitments, it has been specified that language education is included in other education. Commitments of Ghana and Trinidad and Tobago mention "specialist" although the actual meaning of this is not obvious from the schedules. Seven countries have made full commitments in all three modes in both market access and national treatment[17]. There are three countries that have made full commitments in modes 1, 2 and 3 in

[17] These countries are Norway, Estonia, Gambia, Ghana, Lesotho, Moldova and Oman.

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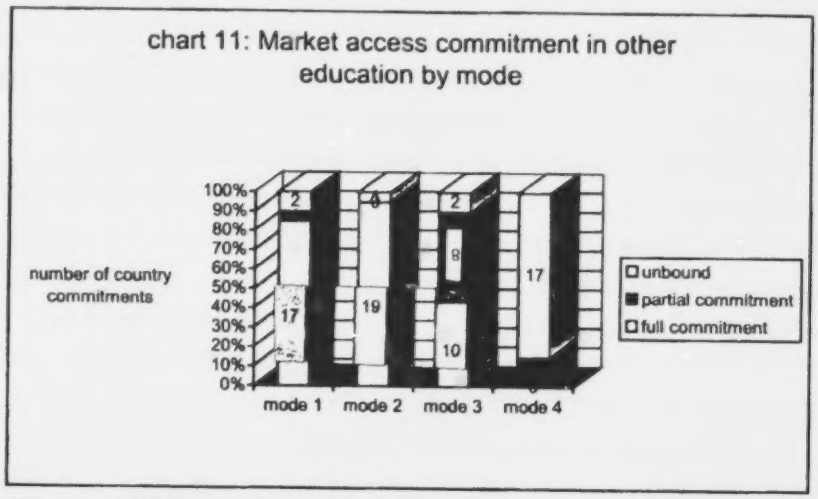
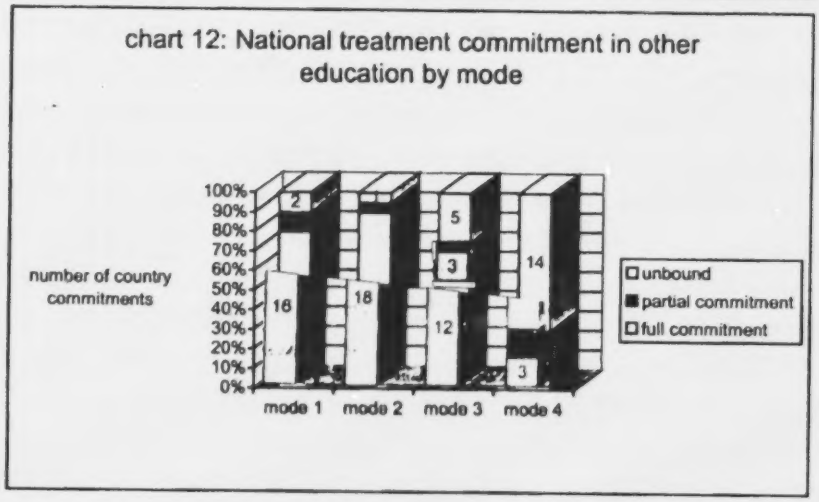
only market access[18]. Four countries among the 20 countries that have made a commitment in other education have full commitment for all modes 1, 2 and 3 in only national treatment[19]. The restrictions that these countries have inscribed in market access include limitations on foreign investment, nationality requirements (for principal, Chair of the Board, Director), and restricting the type of establishment of international education institutions to natural and juridical foreign persons directly, or by establishing partnerships with national citizens.





Modal Commitments

53. Among the 42 countries that have made commitments in education services, most countries have made commitments for at least one sub-sector in all modes except for mode 4. The exception to this is Australia, Costa Rica, Sierra Leone, and Trinidad and Tobago that are "unbound" in mode 3 in all sub-sectors in which they have made commitments. China is "unbound" in modes 1 and 3 in all sub-sectors in which it has made commitments. Overall, WTO Member countries have chosen to impose considerably more limitations on trade in educational services in modes 3 and 4 than in modes 1 and 2.

[18] These countries are Australia, USA, and Croatia.

[19] These countries are Mexico, Turkey, Chinese Taipei, and Jordan.

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54. For market access, in mode 2, all countries have made commitments. In general, mode 2 has a very high share of full commitments in all sub-sectors[20]. The share of full commitments in mode 1 is higher than mode 3, but at the same time, the share of "unbound" is higher in mode 1 than mode 3. The share of partial commitment in mode 3 is much higher than mode 1. As with all other service sectors, mode 4 is the most restricted mode among the four modes in educational services. There is not much difference among high income countries and low income countries in the overall number of modal commitments they have made.

55. For national treatment, like market access, in mode 2, all countries have made commitments in at least one of the sub-sectors and has a very high share of full commitments in all sub-sectors[21]. The share of full commitments in mode 1 is higher than mode 3 and the share of partial commitment in mode 3 is higher than mode 1 in national treatment as market access. However, the share of "unbound" commitments is higher in mode 3 than mode 1. In sum, countries have more discriminating restrictions on mode 3 than on mode 1. Like in market access, there is not much difference between high income and low income countries in the overall number of modal commitments they have made.

56. In addition to sector-specific commitments, 36 out of 42 countries that have made commitments in educational services have some horizontal commitments. Most of them include commitments on the presence of natural persons. In general, horizontal commitments on presence of natural persons are formulated as "unbound" except for certain categories of people. The categories are related to the type of persons involved, such as executives, managers, specialists, etc. or the purpose of their movement: establishment of commercial presence, negotiating sales contracts, etc. Hungary has included "Personalities of internationally recognised reputation" as one of the categories of natural persons that they commit themselves. In the case of Hungary, market access commitments relate to such personalities invited by higher educational institutions, scientific research institutes or public educational institutions for the duration of the invitation. Other than Hungary, no country has a specific category for professors or researchers. They might fall under the category of "specialist" under many commitments. In addition, since mode 4 is very closely connected to mode 3, it is difficult to identify which categories apply specifically to educational services. For example, managers need to travel in order to manage a branch campus in relation to educational services as well as professors. In any case, the periods for which entry may be permitted have not generally been indicated. In most countries, it is clearly stated in their schedules that these commitments apply to both market access and national treatment.

57. Other horizontal commitments concern restrictions on subsidies, public assistance, acquisition of foreign exchange, payments and transfers abroad, restrictions on foreign investment, nationality or residency requirements, restrictions on acquisition of real estate, and restriction on types of legal entities in market access, etc. For national treatment, horizontal commitments refer to restriction on treatment to subsidiaries, restrictions on subsidies and tax incentives, acquisition of real estate, tax incentives, residency or nationality requirements, restrictions on the establishment of branches or joint venture companies, etc.

58. Besides mode 4, mode 3 is affected the most by horizontal commitments. For example, restrictions on the acquisition of real estate, the types of legal entity, participation of foreign capital, and authorisation or licensing requirements restrict foreign educational providers entering the market. Horizontal commitments that might have some effect on modes 1 and 2 include restrictions on subsidies and other forms of public assistance.

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[20] 26 of 30 for primary education, 31 out of 35 in secondary education, 30 out of 32 for higher education, 31 out of 32 for adult education, and 19 out of 20 for other education.

[21] 28 of 30 for primary education, 33 of 35 for secondary education, 31 of 32 for higher education, 31 of 32 for adult education, and 18 of 20 for other education.

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Appendix I **Summary of Commitments—Educational Services** **April 2002**

Countries	Primary	Secondary	Higher	Adult	Other
Australia		X	X		X
Austria	X	X		X	
Czech Republic	X	X	X	X	X
Hungary	X	X	X	X	
Japan	X	X	X	X	
Mexico	X	X	X		X
New Zealand	X	X	X		
Norway	X	X	X	X	X
Poland	X	X	X	X	
Slovak Republic	X	X	X	X	X
Switzerland	X	X	X	X	
Turkey	X	X	X		X
USA				X	X
European Community (12)	X	X	X	X	
Total number of Schedules for OECD countries (14)	12	13	12	10	7
Albania	X	X	X	X	
Bulgaria	X	X		X	
China	X	X	X	X	X
Chinese Taipei		X	X	X	X
Congo RP			X		
Costa Rica	X	X			X
Croatia		X	X	X	X
Estonia	X	X	X	X	X
Gambia	X			X	X
Georgia	X	X	X	X	
Ghana		X			X
Haiti				X	
Jamaica	X	X	X		
Jordan	X	X	X	X	X
Kyrgyz Republic	X	X	X	X	
Latvia	X	X	X	X	
Lesotho	X	X	X	X	X
Liechtenstein	X	X	X	X	
Lithuania	X	X	X	X	
Mali				X	
Moldova	X	X	X	X	X
Oman		X	X	X	X
Panama	X	X	X		
Rwanda				X	
Sierra Leone	X	X	X	X	X
Slovenia		X	X	X	
Thailand	X	X		X	
Trinidad and Tobago			X		X
Total Number of Schedules (42)	30	35	32	32	20

Appendix II

National Schedules of Commitments in Educational Services

- WTO Members retain the right to specify and limit the extent to which they will provide access to their markets. It is only by reference to individual country schedules that one can know the degree to which service sectors have actually been opened.

- "Cross-border supply" is a provision of a service where the service crosses the border and does not require the physical movement of the consumer. "Consumption abroad" is a provision of a service involving the movement of the consumer to the country of the supplier. "Commercial presence" is a provision of service where the service provider establishes or has presence of commercial facilities in another country in order to render services. "Presence of natural persons" is a provision of service where persons travel to another country on a temporary basis to provide services.

- In this table, MA refers to "market access" and NT refers to "national treatment".

- "None" indicates that there is no restriction placed on foreign providers. "Unbound" indicates that a Member wishes to remain free in the specified sector and mode of supply to introduce or maintain measures inconsistent with market access or national treatment. In other cases, there are textual descriptions of commitments. Some of the entries describe the nature of the limitation to market access or national treatment, and others describe what they are offering rather than the limitations they are maintaining.

- In addition to the sector-specific commitments described in this table, there are "horizontal" commitments that apply across all sectors (including educational services). In order to understand the full range of commitments taken, it is necessary to take into account the horizontal commitments as well. Most of the horizontal commitments made by countries who have made a commitment in educational services include commitments on presence of natural persons. Other horizontal commitments concern restrictions on subsidies, public assistance, acquisition of real estate, tax incentives, residency or nationality requirements, etc.

- When a country wishes to maintain measures which are inconsistent with both market access and national treatment, such measures shall be inscribed in the market access column and it will be considered to provide a condition or qualification to national treatment as well.

OECD Countries			Limitation by mode of supply			
Country	**Sub-sector**		**Cross-border supply**	**Consumption abroad**	**Commercial presence**	**Presence of natural persons**
Australia	Secondary (covers general as well as technical and vocational education at the secondary level in private institutions)		MA: None NT: None	NT: None MA: None	MA: None NT: Unbound	MA: unbound except as indicated in the horizontal section NT: unbound except as indicated in the horizontal section.
	Higher (covers provision of private tertiary education services including at university level)					
	Other (covers English language tuition)					
Austria	Primary		MA: None NT: None	MA: None NT: None	MA: None NT: None	MA: unbound except as indicated in the horizontal section NT: unbound except as indicated in the horizontal section
	Secondary					
	Adult (except education services for adults by means of radio or television broadcasting)					
Czech Republic	Primary	Privately funded education services	MA: None NT: None	MA: None NT: None	MA: Foreign national may obtain authorization from competent authorities to establish and direct an education institution and to teach. Condition of ensuring quality and level of education and suitability of school facilities. NT: None other than: majority of members of the Board must be of the Czech nationality.	MA: Unbound except as indicated in horizontal section NT: Unbound except as indicated in horizontal section
	Secondary					
	Higher (technical & vocational)					
	Adult					
	Other					

OECD Countries		Limitation by mode of supply			
Country	**Sub-sector**	**Cross-border supply**	**Consumption abroad**	**Commercial presence**	**Presence of natural persons**
Hungary	Primary	MA: None NT: None	MA: None NT: None	MA: Establishment of schools is subject to licence from the local authorities NT: none	MA: Unbound except as indicated in the horizontal section. NT: Unbound except as indicated in the horizontal section. • Unbound except for the entry and temporary stay of natural persons who are: Personalities of internationally recognized reputation Market access commitment relates to such personalities invited by higher educational institutions, scientific research institutions or public educational institutions for the duration
	Secondary				
	Higher			MA: Establishment of schools is subject to licence from the central authorities NT: none	
	Adult			MA: Establishment of schools is subject to licence from the local [or in case of high schools from the central] authorities NT: none	

OECD Countries			Limitation by mode of supply			
Country	**Sub-sector**		**Cross-border supply**	**Consumption abroad**	**Commercial presence**	**Presence of natural persons**
Japan	Primary Secondary Higher	Educational services supplied by Formal education institutions established in Japan [Formal Education Institutions are elementary schools, lower secondary schools, upper secondary schools, universities, technical colleges, schools for the blind, schools for the deaf, schools for the handicapped and kindergartens]	MA: Unbound NT: Unbound	MA: Unbound NT: Unbound	MA: Formal education institutions must be established by school juridical persons (A school juridical person is a non-profit juridical person established for the purpose of supplying educational services under Japanese law) NT: None except as indicated in Horizontal Commitments	MA: Unbound NT: Unbound

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OECD Countries			Limitation by mode of supply			
Country	**Sub-sector**		**Cross-border supply**	**Consumption abroad**	**Commercial presence**	**Presence of natural persons**
Japan (cont'd)	Adult	Foreign language tuition services for adults [excluding services supplied by Formal Education Institutions established in Japan]	MA: None NT: None	MA: None NT: None	MA: None NT: None except as indicated in Horizontal Commitments	MA: Unbound except as indicated in Horizontal Commitments NT: Unbound except as indicated in Horizontal Commitments
Mexico	Private	Primary Secondary Higher Other (Language education, special education and commercial training)	MA: None NT: None	MA: None NT: None	MA: Foreign investment only up to 49 % of the registered capital of enterprises. Prior authorization is required from the Ministry of Public Education (SEP) or the State authority. NT: None	MA: Unbound except as indicated in the horizontal section NT: Unbound except as indicated in the horizontal section
New Zealand	Private Institu-tion	Primary Secondary Higher	MA: None NT: None	MA: None NT: None	MA: None NT: None	MA: Unbound except as indicated in the horizontal section NT: Unbound except as indicated in the horizontal section

OECD Countries			Limitation by mode of supply			
Country	**Sub-sector**		**Cross-border supply**	**Consumption abroad**	**Commercial presence**	**Presence of natural persons**
Norway	Educational services leading to the conferring of State recognized exams and/or degrees	Primary Second-ary (lower & upper) Higher Adult	MA: As mode 3 NT: None	MA: None NT: None	MA: Primary and secondary education are public service functions. Authorization may be given to foundations and other legal entities to offer additional parallel or specialized education on a commercial or non-commercial basis. Financial assistance to educational institutions or to students only available for studies at certified establishments. NT: None	MA: Unbound except as indicated in the horizontal section. NT: Unbound except as indicatied in the horizontal section. Teaching qualifications from abroad may be recognized, and an exam must be passed.
	Educational services not leading to the conferring of State recognized exams and/or degrees	Primary Second-ary Higher Adult Others	MA: None NT: None	MA: None NT: None	MA: None NT: None	MA: Unbound except as indicated in the horizontal section. NT: Unbound except as indicated in the horizontal section.
Poland	Private Educational Services	Primary Second-ary Higher Adult	MA: Public system of education and of scholarship do not cover educational services supplied from abroad. NT: None	MA: Public system of education and of scholarship do not cover educational services supplied from abroad. NT: None	MA: None NT: None	MA: Unbound except for horizontal measures NT: None

OECD Countries			Limitation by mode of supply			
Country	**Sub-sector**		**Cross-border supply**	**Consumption abroad**	**Commercial presence**	**Presence of natural persons**
Slovak Republic	Primary		MA: None NT: None	MA: None NT: None	MA: Foreign nationals may obtain authorization from competent authorities to establish and direct an education institution and to teach subject to complying with qualification and material requirements on establishment of such an institution. NT: None other than: majority of members of the Board have to be of Slovak citizenship	MA: Unbound except as indicated in horizontal section. NT: Unbound except as indicated in horizontal section.
	Secondary					
	Higher					
	Adult					
	Other					
Switzerland	Private Educa-tional Services	Primary	MA: Unbound NT: Unbound	MA: Unbound NT: Unbound	MA: None NT: None	MA: Unbound NT: Unbound
		Secondary *(Compul-sory)*				
		Secondary *(Non-com-pulsory)*	MA: None NT: None	MA: None NT: None	MA: None NT: None	MA: Unbound except as indicated in the horizontal section. NT: Unbound except as indicated in the horizontal section.
		Higher				
		Adult				

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OECD Countries		Limitation by mode of supply			
Country	**Sub-sector**	**Cross-border supply**	**Consumption abroad**	**Commercial presence**	**Presence of natural persons**
Turkey	Primary Secondary	MA: Real and legal foreign persons directly or by establishing partnership with Turkish citizens may establish international educational institutions [including vocational and technical schools] only for foreign students. NT: None	MA: None NT: None	MA: Real and legal foreign persons directly or by establishing partnership with Turkish citizens may establish international educational institutions [including vocational and technical schools] only for foreign students. NT: None	MA: Foreign teachers may work in primary and secondary educational institutions after taking permission from the Ministry of Education. NT: None
	Higher	MA: None NT: None	MA: None NT: None	MA: Private universities can only be established by foundations constituted Under Civil Code with the permission of the Council of Ministers, provided that the majority of the administration of such foundations must be Turkish citizens. NT: None	MA: None NT: None
	Other	MA: Real and legal foreign persons directly or by establishing partnership with Turkish citizens may establish international educational institutions [including vocational and technical schools] only for foreign students. NT: None	MA: None NT: None	MA: Real and legal foreign persons directly or by establishing partnership with Turkish citizens may establish international educational institutions [including vocational and technical schools] only for foreign students. NT: None	MA: Foreign teachers may work in primary and secondary educational institutions after taking permission from the Ministry of Education. NT: None

OECD Countries		Limitation by mode of supply			
Country	**Sub-sector**	**Cross-border supply**	**Consumption abroad**	**Commercial presence**	**Presence of natural persons**
USA	Adult (except flying instruction)	MA: None NT: Scholarships and grants may be limited to US citizens and/or residents of particular states and may, in some cases, only be used at certain states institutions or within certain US jurisdictions.	MA: None NT: Scholarships and grants may be limited to US citizens and/or residents of particular states and may, in some cases, only be used at certain states institutions or within certain US jurisdictions.	MA: The number of licences for cosmetology schools in Kentucky is limited to 48 total licences, with a total of 8 licences allowed for operation of such schools per congressional district. NT: Scholarships and grants may be limited to US citizens and/or residents of particular states and may, in some cases, only be used at certain states institutions or within certain US jurisdictions.	MA: Unbound, except as indicated in the horizontal section. NT: Scholarships and grants may be limited to US citizens and/or residents of particular states and may, in some cases, only be used at certain states institutions or within certain US jurisdictions.
	Other	MA: None NT: Scholarships and grants may be limited to US citizens and/or residents of particular states and may, in some cases, only be used at certain states institutions or within certain US jurisdictions.	MA: None NT: Scholarships and grants may be limited to US citizens and/or residents of particular states and may, in some cases, only be used at certain states institutions or within certain US jurisdictions.	MA: None NT: Scholarships and grants may be limited to US citizens and/or residents of particular states and may, in some cases, only be used at certain states institutions or within certain US jurisdictions.	MA: Unbound, except as indicated in the horizontal section. NT: Scholarships and grants may be limited to US citizens and/or residents of particular states and may, in some cases, only be used at certain states institutions or within certain US jurisdictions.

OECD Countries			Limitation by mode of supply			
Country	**Sub-sector**		**Cross-border supply**	**Consumption abroad**	**Commercial presence**	**Presence of natural persons**
European Community (12)	Privately funded Educa-tion Services	Primary	MA: F: Condition of nationality. However, third country nationals may obtain authorization from competent authorities to establish and direct an education institution and to teach. NT: I: Condition of nationality for service providers to be authorized to issue State recognized diplomas.	MA: None NT: None	MA: None (E, GR, P: Authorization can be denied in order to protect) NT: GR: Majority of members of the Board must be of Greek nationality.	MA: Unbound except as indicated in the horizontal section and subject to the following specific limitations: - F: Condition of nationality. However, third country nationals may obtain authorization from competent authorities to establish and direct an education institution to teach. - I: Condition of nationality for service. - GR: Condition of nationality for teachers NT: Unbound except as indicated in the horizontal section.

OECD Countries			Limitation by mode of supply			
Country	**Sub-sector**		**Cross-border supply**	**Consumption abroad**	**Commercial presence**	**Presence of natural persons**
EC (cont'd)	Privately funded Education Services	Secondary	MA: F: Condition of nationality. However, third country nationals may obtain authorization from competent authorities to establish and direct an education institution and to teach. NT: I: Condition of nationality for service providers to be authorized to issue State recognized diplomas.	MA: None NT: None	MA: None NT: GR: Majority of members of the Board must be of Greek nationality.	MA: Unbound except as indicated in the horizontal section and subject to the following specific limitations: -F: Condition of nationality. However, third country nationals may obtain authorization from competent authorities to establish and direct an education institution and to teach. -I: Condition of nationality for service providers to be authorized to issue State recognized diplomas. -GR: Condition of nationality for teachers. NT: Unbound except as indicated in the horizontal section.

OECD Countries			Limitation by mode of supply			
Country	**Sub-sector**		**Cross-border supply**	**Consumption abroad**	**Commercial presence**	**Presence of natural persons**
EC (cont'd)	Privately funded Education Services	Higher	MA:F: Condition of nationality. However, third country nationals can have authorization from competent authorities to establish and direct an education institution and to teach. NT: I: Condition of nationality for service providers to be authorized to issue State recognized diplomas.	MA: None NT: None	MA: E, I: Needs test for opening of private universities authorized to issue recognized diplomas or degrees; procedure involves an advice of the Parliament. GR: Unbound for education institutions granting recognized State diplomas. NT: None	MA: Unbound except as indicated in the horizontal section and subject to the following specific limitations: - DK: Condition of nationality for professors. -F: Condition of nationality. However, third country nationals may obtain authorization from competent authorities to establish and direct an education institution and to teach. - I: Condition of nationality for service providers to be authorized to issue State recognized diplomas. NT: Unbound except as indicated in the horizontal section.
		Adult	MA: None NT: None	MA: None NT: None	MA: None NT: None	MA: Unbound except as indicated in the horizontal section. NT: Unbound except as indicated in the horizontal section.

Non-member Countries			Limitation by mode of supply			
Country	**Sub-sector**		**Cross-border supply**	**Consumption abroad**	**Commercial presence**	**Presence of natural persons**
Albania	Primary		MA: Unbound NT: None	MA: None NT: None	MA: None NT: None	MA: Unbound except as indicated in the Horizontal commitments NT: None
	Secondary *(General secondary)*					
	Secondary *(Higher secondary)*		MA: None NT: None	MA: None NT: None	MA: None NT: None	MA: Unbound, except as indicated in the Horizontal Commitments. NT: None
	Higher					
	Adult					
Bulgaria	Privately funded	Primary	MA: Unbound NT: None	MA: None NT: None	MA: Access is granted to privately funded primary schools constituted as juridical persons upon authorization by the Council of Ministers. Compliance with the state educational and health requirements is a condition. Unbound for natural persons and associations. NT: None	MA: Unbound except as indicated in the horizontal section and in mode 3. NT: Unbound except as indicated in the horizontal section. Condition of Bulgarian citizenship. Foreign citizens may teach on the conditions of permanent residence, recognition of their education and professional qualification.
		Secondary				
		Adult	MA: None NT: None	MA: None NT: None	MA: None NT: None	MA: Unbound except as indicated in the horizontal section. NT: Unbound except as indicated in the horizontal section.

Non-member Countries			Limitation by mode of supply			
Country	**Sub-sector**		**Cross-border supply**	**Consumption abroad**	**Commercial presence**	**Presence of natural persons**
China	Exclud-ing special education services e.g. military, police, political and party school education	Primary (excluding national compulsory education)	MA: Unbound NT: Unbound	MA: None NT: None	MA: Joint schools will be established, with foreign majority ownership permitted. NT: Unbound	MA: Unbound except as indicated in horizontal commitments and the following: Foreign individual education service suppliers may enter into China to provide education services when invited or employed by Chinese schools and other education institutions. NT: Qualifications are as follows: posession of Bachelor's degree or above; and an appropriate professional title or certificate, with two years' professional experiences
		Secondary (excluding national compulsory education in General secondary)				
		Higher				
		Adult				
		Other (including English language training)				

Non-member Countries			Limitation by mode of supply			
Country	**Sub-sector**		**Cross-border supply**	**Consumption abroad**	**Commercial presence**	**Presence of natural persons**
The separate customs territory of Taiwan, Penghu, Kinmen and Matsu (Chinese Taipei)	Student Placement Services for Overseas Studies	Secondary *except for general secondary*	MA: None NT: None	MA: None NT: None	MA: None NT: None	MA: Unbound except as indicated in the horizontal section NT: Unbound except as indicated in the horizontal section
		Higher				
		Adult				
		Other				
	Education Services	Secondary *except for general secondary*	MA: None NT: None	MA: None NT: None	MA: None, except that: (a) The principal/president and chairman of the board should be national of Chinese Taipei (b) The number of foreigners as director may not exceed one third of the board and may not exceed five directors NT: None	MA: Unbound except as indicated in the horizontal section NT: Unbound except as indicated in the horizontal section
		Higher				
		Adult				
		Other				
Congo RP	Higher		MA: None NT: None	MA: None NT: None	MA: None NT: None	MA: Unbound except as indicated in the horizontal section. NT: Unbound except as indicated in the horizontal section.

Non-member Countries		Limitation by mode of supply			
Country	**Sub-sector**	**Cross-border supply**	**Consumption abroad**	**Commercial presence**	**Presence of natural persons**
Costa Rica[22]	Primary Secondary	MA: Unbound NT: Unbound	MA: None NT: None	MA: Unbound NT: Unbound	MA: The higher Council for Education participates in matters relating to teacher and other staff of educational institutions. NT: The Higher Council for Education participates in matters relating to teachers and other staff of educational institutions.

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[22] The Constitution recognizes that education is a public service, and therefore all private educational centres are subject to State inspection.

Non-member Countries		Limitation by mode of supply			
Country	**Sub-sector**	**Cross-border supply**	**Consumption abroad**	**Commercial presence**	**Presence of natural persons**
Costa Rica (cont'd)	Other	MA: Unbound NT: Unbound	MA: Unbound NT: Unbound	MA: The establishment of public limited companies or any type of commercial enterprise for the purpose of providing university education is prohibited. The National Council of University Higher Education (CONESUP) authorizes the establishment and operation of private universities in the country (including fees, plans, study programmes, supervision, etc.) and is responsible for approving the teaching staff and executives of such universities. NT: Unbound	MA: Foreigners wishing to provide such services are required by law to be members of the Professional College. To this end they must fulfil the requirements of nationality and residence. In some cases, the recruitment of foreign professionals by State institutions is possible only when there are no Costa Ricans ready to provide the service in the necessary conditions. NT: Foreigners wishing to provide such services are required by law to be members of the Professional College. To this end they must fulfil the requirements of nationality and residence. In some cases, the recruitment of foreign professionals by State institutions is possible only when there are no Costa Ricans ready to provide the service in the necessary conditions.

Non-member Countries		Limitation by mode of supply			
Country	**Sub-sector**	**Cross-border supply**	**Consumption abroad**	**Commercial presence**	**Presence of natural persons**
Croatia	Secondary	MA: Unbound NT: Unbound	MA: None NT: None	MA: None for legal persons NT: None	MA: Unbound except as indicated in the horizontal section NT: Unbound except as indicated in the horizontal section
	Higher	MA: None NT: None	MA: None NT: None	MA: None NT: None	
	Adult				
	Other	MA: None for correspondence education or education via telecommunications NT: None for correspondence education or education via telecommunications	MA: None NT: None	MA: None NT: None	
Estonia	Primary	MA: None NT: None	MA: None NT: None	MA: None NT: None	MA: Unbound except as provided in the horizontal section NT: Unbound as provided in the horizontal section
	Secondary *(compulsory)*				
	(non-compulsory)				
	Higher				
	Adult				
	Other Adult education not provided by the State				
	Private with the length of student participation not exceeding 6 months				

Non-member Countries		Limitation by mode of supply			
Country	**Sub-sector**	**Cross-border supply**	**Consumption abroad**	**Commercial presence**	**Presence of natural persons**
Gambia	Primary Adult Other	MA: None MT: None	MA: None MT: None	MA: None MT: None	MA: Unbound except as indicated in the horizontal section NT: Unbound except as indicated in the horizontal section
Georgia	Primary Secondary (privately funded) Higher (privately funded) Adult	MA: None NT: None	MA: None NT: None	MA: None NT: None	MA: Unbound except as indicated in the horizontal section NT: Unbound except as indicated in the horizontal section
Ghana	Secondary Other (specialist)	MA: None NT: None	MA: None NT: None	MA: None NT: None	MA: Unbound except as indicated under horizontal measures NT: Unbound except as indicated under horizontal measures
Haiti	Adult (Rural training centres for adults)	MA: None NT: None	MA: None NT: None	MA: None NT: None	MA: None NT: None
Jamaica	Primary Secondary	MA: None NT: None	MA: None NT: None	MA: None. Registration and local certification required. NT: None	MA: Unbound except as indicated in the horizontal section NT: Unbound except as indicated in the horizontal section
	Higher			MA: None. Local certification, registration, licensing required. NT: None	

OECD Countries		Limitation by mode of supply			
Country	**Sub-sector**	**Cross-border supply**	**Consumption abroad**	**Commercial presence**	**Presence of natural persons**
Jordan	Primary Secondary	MA: Unbound NT: Unbound	MA: None NT: None	MA: None NT: None	MA: Unbound except as indicated in the horizontal section NT: Unbound except as indicated in the horizontal section
	Higher	MA: None NT: None	MA: None NT: None	MA: None NT: None	
	Adult	MA: None NT: None	MA: None NT: None	MA: None except director of adult education center must be Jordanian national. NT: None	MA: Unbound except as indicated in the horizontal section. Director of adult education centre must be a Jordanian national. NT: Unbound, except as indicated in the horizontal section.
	Other (specifically cultural centers)			MA: None except director of cultural centre must be a Jordanian national. NT: None	MA: Unbound except as indicated in the horizontal section. Director of cultural center must be a Jordaninan national. NT: Unbound, except as indicated in the horizontal section.

Non-member Countries		Limitation by mode of supply			
Country	**Sub-sector**	**Cross-border supply**	**Consumption abroad**	**Commercial presence**	**Presence of natural persons**
Kyrgyz Republic	Primary	MA: None, except for on primary education services funded from State sources. NT: None, except for on primary education services funded from State sources	MA: None NT: None	MA: None, except for on primary education services funded from State sources NT: None	MA: Unbound except as indicated under horizontal commitments. NT: Unbound except as indicated under horizontal commitments
	Secondary	MA: None, except for on secondary education services funded from State sources NT: None, except for on secondary education services funded from State sources	MA: None NT: None	MA: None, except for on secondary education services funded from State sources NT: None	MA: Unbound except as indicated under horizontal commitments NT: Unbound except as indicated under horizontal commitments
	Higher	MA: None except for on higher education services funded from State sources NT: None, except for on higher education services funded from State sources	MA: None NT: None	MA: None, except for on higher education services funded from State sources. NT: None	MA: Unbound except as indicated under horizontal commitments NT: Unbound except as indicated under horizontal commitments
	Adult	MA: None, except for on adult education services funded from State sources NT: None, except for on adult education services funded from State sources.	MA: None NT: None	MA: None except for on adult education services funded from State sources NT: None	MA: Unbound except as indicated under horizontal commitments NT: Unbound except as indicated under horizontal commitments

Non-member Countries			Limitation by mode of supply			
Country	**Sub-sector**		**Cross-border supply**	**Consumption abroad**	**Commercial presence**	**Presence of natural persons**
Latvia	Primary		MA: None NT: None	MA: None NT: None	MA: None NT: None	MA: Unbound except as indicated in the horizontal section NT: None
	Secondary					
	Higher					
	Adult					
Lesotho	Primary		MA: None NT: None	MA: None NT: None	MA: None NT: None	MA: Unbound except as indicated in the horizontal section NT: Unbound except as indicated in the horizontal section
	Secondary					
	Higher					
	Adult					
	Other					
Liechtenstein	Private educational services	Primary	MA: Unbound NT: None	MA: Unbound NT: None	MA: Foreigners may establish commercial presence only when organized as juridical persons according to Liechtenstein law NT: None	MA: Unbound except as indicated in the horizontal section. NT: Unbound except as indicated in the horizontal section.
		Secondary *(compulsory)*				
		Secondary *(non-compulsory)*	MA: None NT: None	MA: None NT: None		
		Higher				
		Adult				

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Non-member Countries		Limitation by mode of supply			
Country	**Sub-sector**	**Cross-border supply**	**Consumption abroad**	**Commercial presence**	**Presence of natural persons**
Lithuania	Primary	MA: None NT: None	MA: None NT: None	MA: None NT: None except for permit issued by the Ministry of Education and Science for the State recognized teaching institutions required	MA: Unbound except as indicated in the horizontal section. NT: Unbound except as indicated in the horizontal section.
	Secondary				
	Higher	MA: None NT: None	MA: None NT: None	MA: None NT: None	MA: Unbound except as indicated in the horizontal section. Self employed persons are excluded. NT: Unbound except as indicated in the horizontal section.
	Adult	MA: None NT: None	MA: None NT: None	MA: None NT: None	MA: Unbound except as indicated in the horizontal section. NT: Unbound except as indicated in the horizontal section.

Non-member Countries		Limitation by mode of supply			
Country	**Sub-sector**	**Cross-border supply**	**Consumption abroad**	**Commercial presence**	**Presence of natural persons**
Mali	Adult (craft sector)	MA: None NT: None	MA: None NT: None	MA: None NT: None	MA: None NT: None
Moldova	Primary Secondary Higher Adult Other	MA: None NT: None	MA: None NT: None	MA: None NT: None	MA: Unbound, except as indicated in the horizontal section NT: None
Oman	Secondary Higher Adult Other	MA: None NT: None	MA: None NT: None	MA: None NT: None	MA: Unbound except as indicated in the horizontal section NT: Unbound except as indicated in the horizontal section
Panama[23]	Primary	MA: None NT: None	MA: None NT: None	MA: Educational establishments must be approved and inspected by the Ministry of Education. NT: Unbound	MA: Unbound except as indicated in the horizontal commitments NT: Unbound except as indicated in the horizontal commitments
	Secondary				MA: Unbound except as indicated in the horizontal commitments NT: Unbound except as indicated in the horizontal commitments. In addition, history of Panama and citizenship must be taught by Panamanians.
	Higher [24]	MA: None NT: None	MA: None NT: None	MA: Higher education establishments must be approved by the Ministry of Education and inspected by the University of Panama. NT: None	MA: Unbound except as indicated in the horizontal commitments NT: Unbound except as indicated in the horizontal commitments

[23] National Education is a public service. The state may intervene in private teaching establishments to ensure the fulfilment of national and social objectives as regards the education and intellectual, moral, civic and physical training of the studnets.

[24] The University of Panama will inspect officially approved private universities in order to guarantee the degrees they award and confirm those of foreign universities in the cases specified by law. It authorizes the establishment and operation of private universities, including curricula, fees, programmes, requirements, etc.

Non-member Countries		Limitation by mode of supply			
Country	**Sub-sector**	**Cross-border supply**	**Consumption abroad**	**Commercial presence**	**Presence of natural persons**
Rwanda	Adult	MA: None NT: None	MA: None NT: None	MA: None NT: None	MA: None NT: None
Sierre Leone	Primary Secondary Higher Adult Other	MA: None NT: None	MA: None NT: None	MA: Unbound NT: Unbound	MA: Unbound except as indicated in Horizontal Commitments. Approval shall be obtained from the Ministry of Education. NT: Unbound except as indicated in Horizontal Commitments. Qualifications are as follows: Possession of a Bachelor's degree or above, and an appropriate professional title (e.g. Professor, senior engineer or lecturer or above, etc.)
Slovenia	Secondary (private funded) Higher (private funded) Adult	MA: None NT: None	MA: None NT: None	MA: None NT: None other than: majority of the Board must be of Slovenian nationality MA: None NT: None	MA: Unbound except as indicated in the horizontal section. NT: Unbound except as indicated in the horizontal section.

Non-member Countries			Limitation by mode of supply			
Country	**Sub-sector**		**Cross-border supply**	**Consumption abroad**	**Commercial presence**	**Presence of natural persons**
Thailand	International and national school education services (excluding adult and other)	Primary Secondary (General and Higher)	MA: Unbound NT: Unbound	MA: None NT: None	MA: None other than that indicated in the horizontal section NT: No limitations as long as foreign equity participation does not exceed 49 %	MA: Unbound NT: Unbound
	Secondary (Technical and Vocational)		MA: None NT: None			
	Adult (Professional and/or short courses education services)		MA: Unbound NT: Unbound			

Non-member Countries			Limitation by mode of supply			
Country	**Sub-sector**		**Cross-border supply**	**Consumption abroad**	**Commercial presence**	**Presence of natural persons**
Trinidad and Tobago	Specialist Teachers	Other	MA: None NT: None	MA: None NT: None	MA: Unbound NT: Unbound	MA: None (Registration and certification requirements) NT: None
	Lecturers	Higher education other than post-secondary technical and vocational education services				

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